

FILED

MAY 19 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)**

CYNTHIA TAMAYO and JUAN
ALGARATE,
individually and on behalf of others similarly
situated,

Plaintiffs,

vs.

BRAINSTORM USA, a limited liability
company; and THE PROVIDENT BANK, a
corporation

Defendants.

Case No.: C 01-20386 JF (RS)

~~{PROPOSED}~~
ORDER VACATING DISMISSAL

The parties here have advised the court that dismissal of this matter was premature.

IT IS HEREBY ORDERED that the Order of Dismissal issued on February 21, 2006 should be
and is VACATED.

Dated: 5/19/06


JEREMY FOGEL
United States District Judge